

ZB# 05-03

Anthony Ciccone

6-6-4.2

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 3-14-05

ZBA # **05-03** ANTHONY CICCONE
(AREA) 33 OXFORD RD. (6-6-4.2)



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

July 1, 2005

**Anthony Ciccone
33 Oxford Road
New Windsor, NY 12553**

SUBJECT: REQUEST FOR VARIANCE #05-03

Dear Mr. Ciccone:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 6-6-4.2

In the Matter of the Application of

ANTHONY CICCONE

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-03

WHEREAS, Anthony Ciccone, owner(s) of 33 Oxford Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 26 ft. Rear Yard Setback for proposed attached pool deck at 33 Oxford Road in an R-4 Zone (6-6-4.2)

WHEREAS, a public hearing was held on March 14, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The proposed deck and pool are similar in size and appearance to other decks and pools in the neighborhood.
 - (c) In constructing the deck, the flow of water drainage will not be diverted and there will be no ponding or collection of water.

(d) In constructing the deck, no trees or substantial vegetation will be removed.

(e) The deck will not be constructed on or interfere with any easements or right-of-ways, including, but not limited to, water, sewer or electric easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

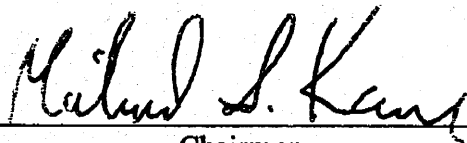
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 26 ft. Rear Yard Setback for proposed attached pool deck at 33 Oxford Road in an R-4 Zone (6-6-4.2) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: March 14, 2005



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: November 9, 2004

Revised: December 13, 2004

**APPLICANT: Anthony Ciccone
33 Oxford Road
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: November 5, 2004

FOR : Proposed attached pool deck

LOCATED AT: 33 Oxford Road

ZONE: R-4 Sec/Blk/ Lot: 6-6-4.2

DESCRIPTION OF EXISTING SITE: Existing one family house.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed attached pool deck. Does not meet minimum rear yard set-back of 50'**


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-4 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 50'

24'

26'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

C105.2
OF
U26.3

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

NOV 9 4 2004

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Anthony M Ciccone / Anthony F. Ciccone Call
Address 33 Oxford Rd Phone # 846 562-0530
Mailing Address Same Fax # _____
Name of Architect _____
Address _____ Phone _____
Name of Contractor John Guida
Address 1236 Union Ave # 512-9390

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the N side of Union Ave
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 6 Block 6 Lot 4.2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Post Deck and Fence

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms 3 Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

ZONING BOARD

OK by
owner

10. Estimated cost 12,000

Fee

~~50~~ \$50
ck# 4070

PAID

S

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychewski
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Anthony J. Ciccone
(Signature of Applicant)

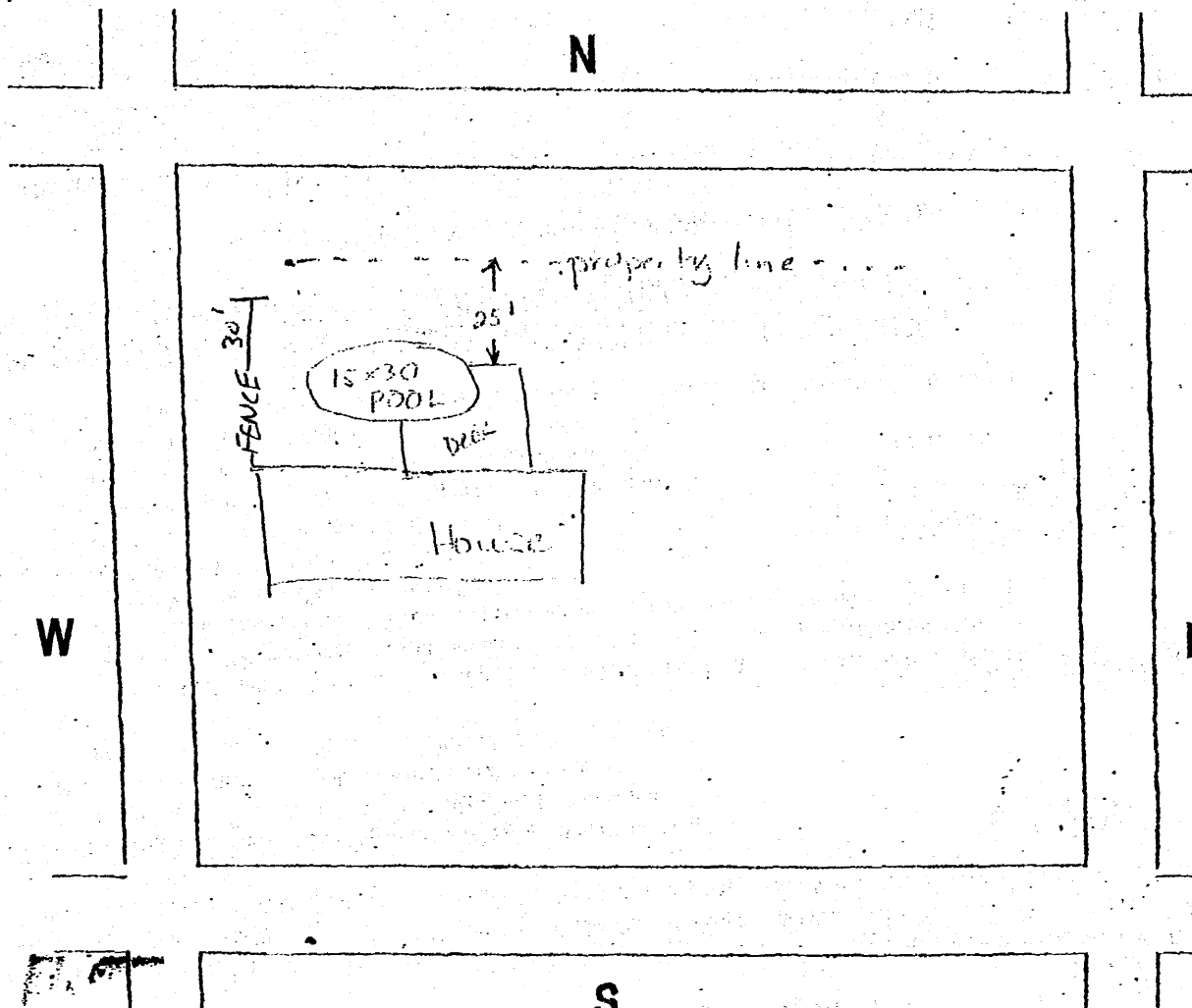
(Address of Applicant)

Anthony J. Ciccone
(Owner's Signature)

33 Oxford Rd
(Owner's Address)

PLOT PLAN

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



CR# 40-70

BEARING BASIS:

NORTH ORIENTATION IS BASED ON DATA ESTABLISHED FROM DEED OF RECORD.

DEED OF RECORD:

BEING LIBER 1785 PAGE 66, FILED WITH DEED IN THE TRENTON COUNTY CLERK.

TAX LOT DESIGNATION:

SECTION 6, BLOCK 6, LOT 41, AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS.

GENERAL MAP NOTES:

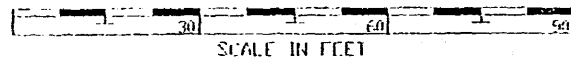
1. THIS SURVEY IS SUBJECT TO ANY RECORDED AND/OR UNRECORDED COVENANTS, RESTRICTIONS, EASEMENTS, RIGHTS-OF-WAYS, AND AGREEMENTS, IF ANY.
2. UNLESS ILLUSTRATED AND NOTED BY A POINT OF REFERENCE, UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREON.
3. ALL BUILDING AND IMPROVEMENT OFFSETS SHOWN ARE AT RIGHT ANGLES TO PROPERTY LINES.
4. ALL EDGES AND GROUND COVER ON THE SITE MAY NOT BE SHOWN ON THIS SURVEY.

TITLE NUMBER: 981346
LOT AREA = 0.365 ACRES

LAND SURVEY PREPARED FOR

MARK S. BERKERY

LOCATED IN THE TOWN OF NEW WINDSOR
 ORANGE COUNTY NEW YORK
 SCALE: 1" = 30'
 JUNE 3, 1998

**REVISIONS:****CERTIFICATION:**

I, ANTHONY A. SORACE, P.L.S., DO HEREBY CERTIFY IN MY PROFESSIONAL OPINION, ONLY TO PARTIES LISTED BELOW THAT THIS SURVEY IS THE RESULT OF AN ACTUAL FIELD SURVEY COMPLETED ON MAY 21, 1998 AND COMPLIES WITH MINIMUM STANDARDS FOR SURVEYS EXCEPTED BY NEW YORK STATE ASSOCIATION OF LAND SURVEYORS. THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND.

- MARK S. BERKERY
- LAWYERS TITLE INSURANCE CORPORATION
- ESTATE OF VIRGINIA CICCONE
- NATIONAL CITY BANK OF DAYTON, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR

SURVEY No. 9857

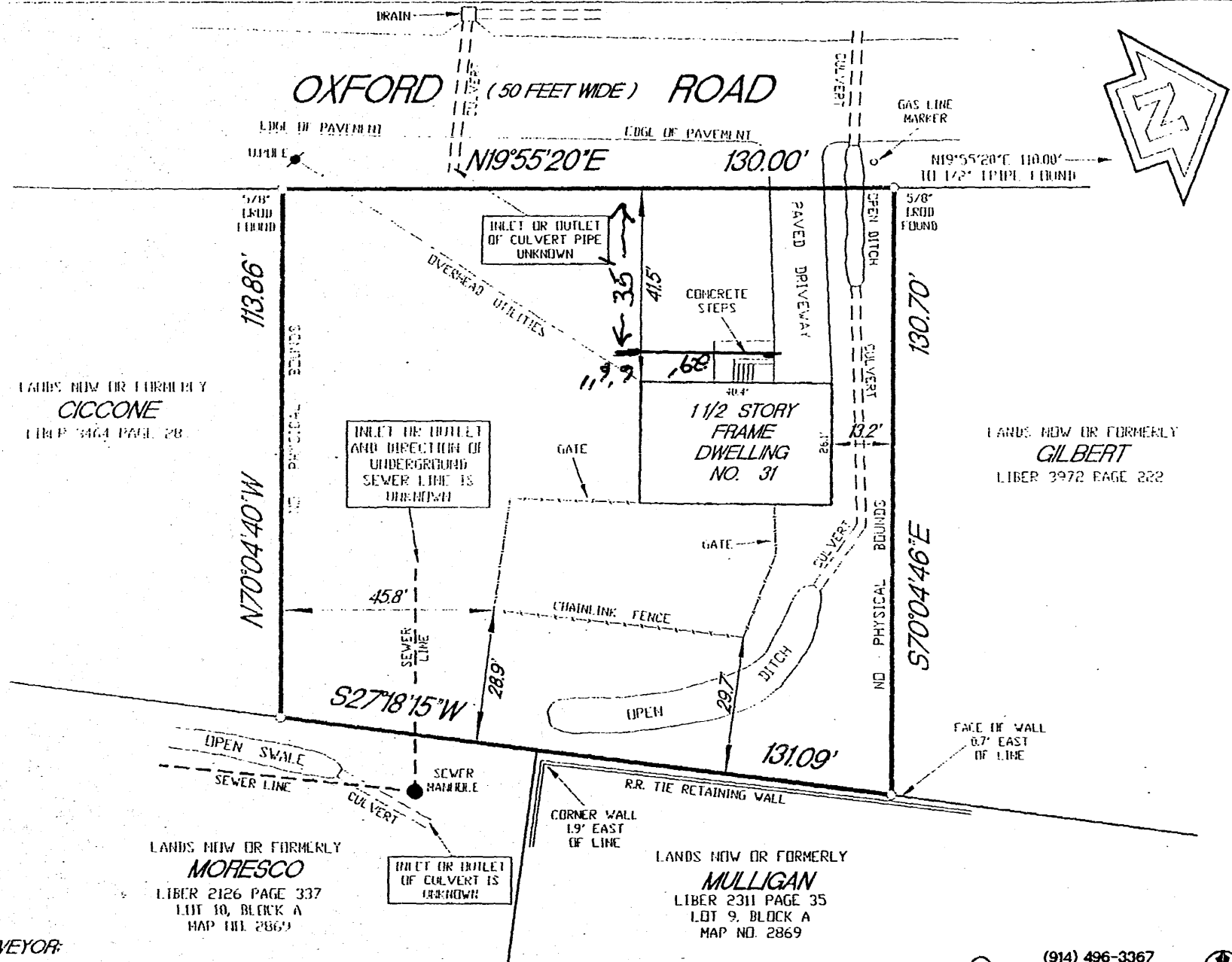
SURVEYOR:

Anthony A. Sorace
 ANTHONY A. SORACE, P.L.S., L.I.C. NO. 50837

LANDS NOW OR FORMERLY
CICCONE
 LIBER 3464 PAGE 28

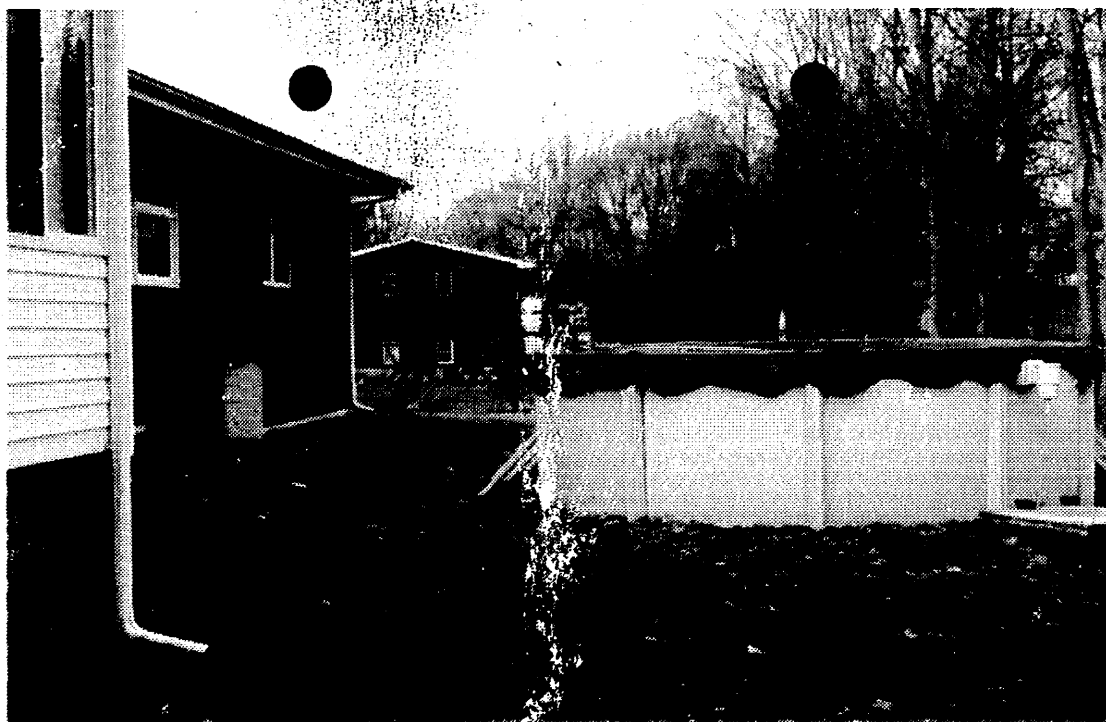
LANDS NOW OR FORMERLY
MORESCO
 LIBER 2126 PAGE 337
 LOT 10, BLOCK A
 MAP NO. 2869

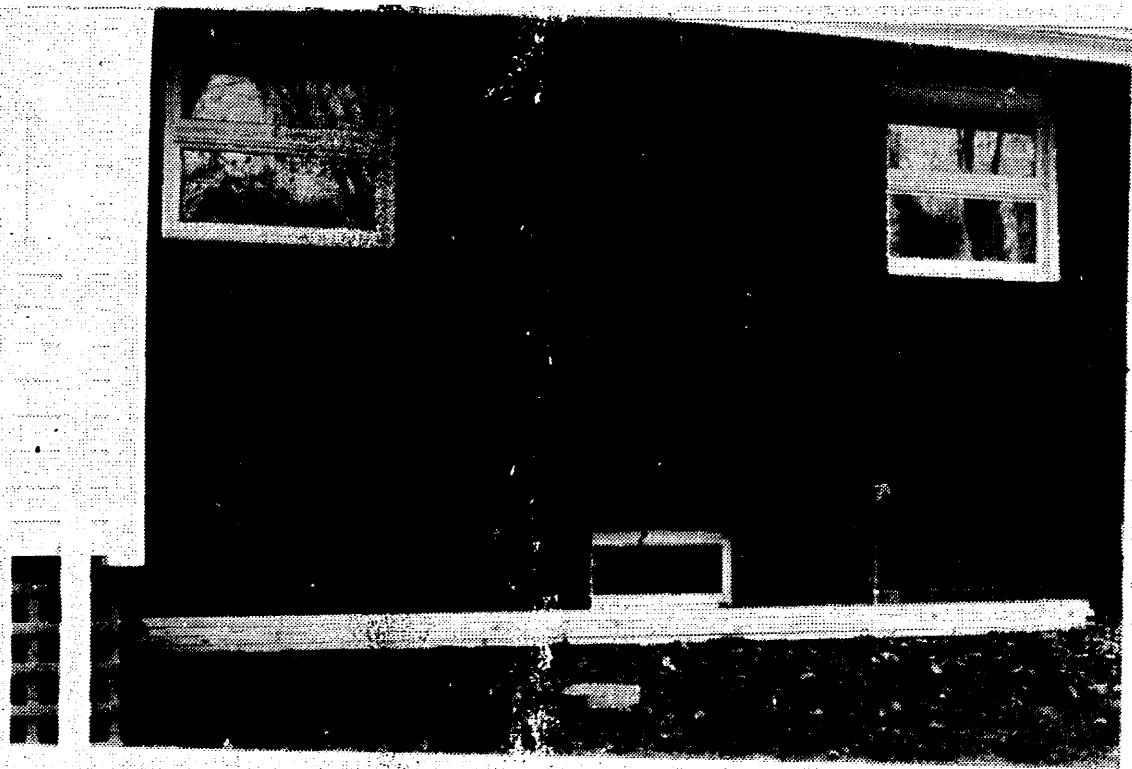
LANDS NOW OR FORMERLY
MULLIGAN
 LIBER 2311 PAGE 35
 LOT 9, BLOCK A
 MAP NO. 2869

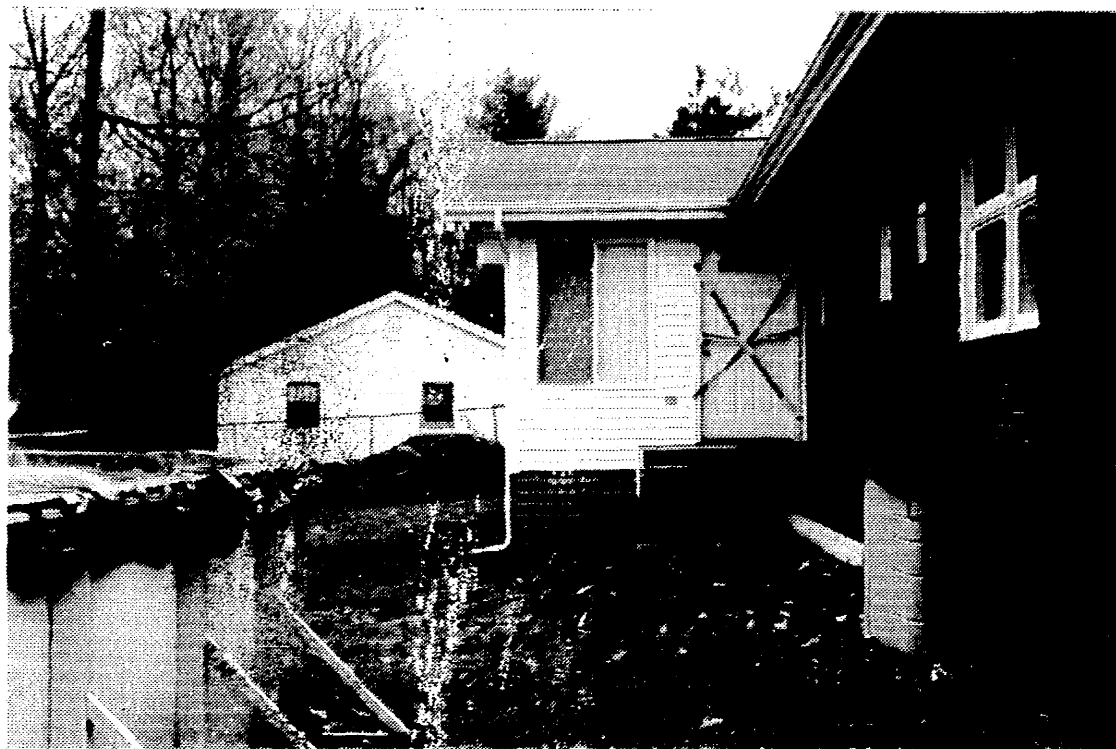
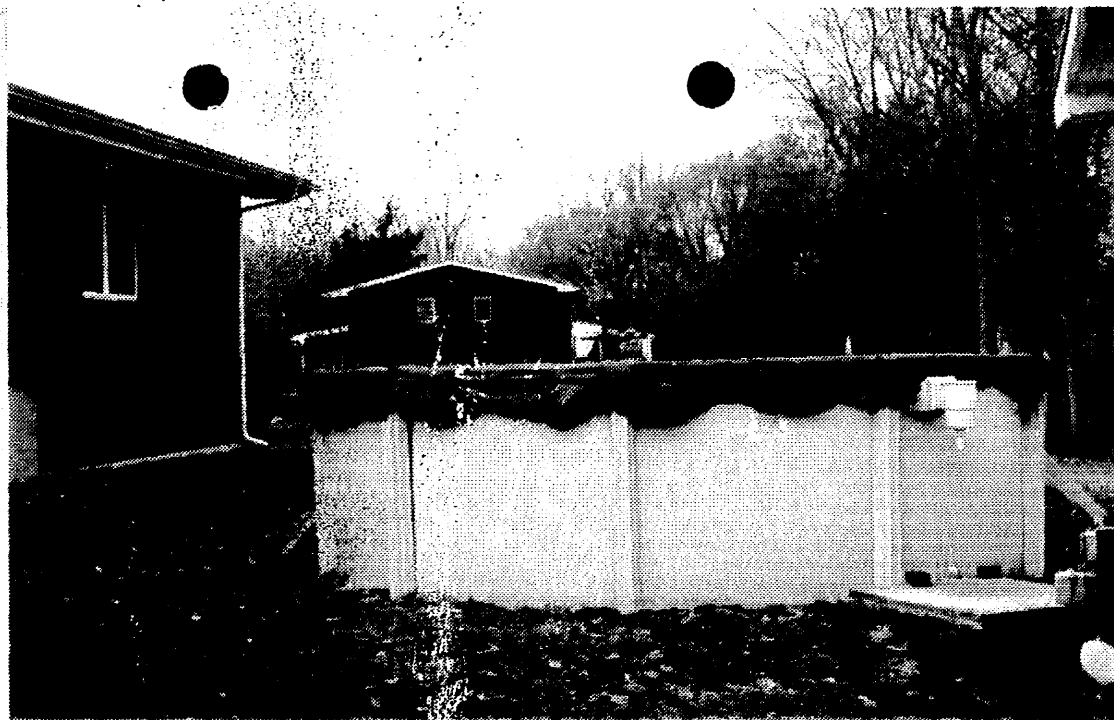


THE ALTERATION OF THIS SURVEY MAP BY ANYONE OTHER THAN THE ORIGINAL PREPARER IS MISLEADING, CONFUSING AND NOT IN THE GENERAL WELFARE AND BENEFIT OF THE PUBLIC. IT IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EMBLEMATION LAW.

(914) 496-3367
ANTHONY A. SORACE, P.L.S.
 PROFESSIONAL LAND SURVEYOR
 ROCK TAVERN, NEW YORK - 12575
 (© 1998 BY ANTHONY A. SORACE, P.L.S.)









**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MARCH 29, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 151.16 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-03

NAME & ADDRESS:

**Anthony Ciccone
33 Oxford Road
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.03-29-2005



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-03 TYPE: AREA TELEPHONE: 562-0530

APPLICANT Name & Address:

**Anthony Ciccone
33 Oxford Road
New Windsor, NY 12553**

RESIDENTIAL:	\$ 50.00	CHECK # <u>155</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 154



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 01-31-05 \$ 40.34

TOTAL: \$ 78.84 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 148.84

AMOUNT DUE: \$ _____

REFUND DUE: \$ 151.16

Cc:

ANTHONY CICCONE (05-03)

MR. KANE: Request for 26 ft. rear yard setback for proposed attached pool deck at 33 Oxford Road.

Mr. and Mrs. Anthony Ciccone appeared before the board for this proposal.

MR. KANE: Same as in the preliminary, tell us what you're doing.

MRS. CICCONE: We're requesting for, it's an attached deck from the house to the pool, we're asking for a variance for the porch that we don't have.

MR. KANE: How big is the deck?

MRS. CICCONE: The deck is according to this diagram 20 feet long this way and 14 feet here and 12 and then 9 and pool's over here.

MR. KANE: You have two sets of steps going down to the ground?

MRS. CICCONE: Yes.

MR. KANE: Self-closing, self-latching?

MRS. CICCONE: Yes.

MR. KANE: Do you have a straight run from the house?

MRS. CICCONE: A door right here.

MR. KANE: That door has to be self-closing too right out to the deck.

MR. BABCOCK: Yes, the pool's existing, right?

MRS. CICCONE: Yes.

MR. KANE: Okay, the deck and the pool similar in size and nature to other decks and pools in your neighborhood?

MRS. CICCONE: Yes.

MR. KANE: Not overwhelmingly?

MRS. CICCONE: No.

MR. KANE: Creating any water hazards or runoffs with the building of the deck?

MRS. CICCONE: No.

MR. KANE: Cutting down any substantial vegetation or trees?

MRS. CICCONE: No.

MR. REIS: Proposed deck will not be going over any easements or right-of-ways?

MRS. CICCONE: No.

MR. KANE: Mike, did they have a permit on the pool?

MR. BABCOCK: Yes.

MR. KANE: So the side property from the 15 x 30 to the side is fine, I just want to make sure everything's okay.

MR. BABCOCK: Yes.

MR. KANE: The reason they need the 25 isn't the pool it's because of the deck and the pool's attached to the deck?

MR. BABCOCK: Attached to the house now it's 50 feet rather than 10 feet.

MR. KANE: Thank you. Okay, at this point, I will open it up to the public. Is there anybody here for this meeting? We'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On January 12, I mailed out 34 envelopes and had no response.

MR. KANE: We'll bring it back to the board, see if there are any other questions. Kim, Mike, nothing?

MR. RIVERA: Accept a motion?

MR. KANE: I'll accept a motion. And you understand with the passing you still have to pass all the regulations from the building department?

MRS. CICCONE: Yes.

MR. CICCONE: Sure.

MR. RIVERA: I make a motion that we grant Anthony Ciccone the requested 26 foot rear yard setback for proposed attached pool deck at 33 Oxford Road.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

ANTHONY CICCONE (05-03)

Mr. and Mrs. Anthony Ciccone appeared before the board for this proposal.

MR. KANE: Request for 26 ft. rear yard setback for proposed attached pool deck at 33 Oxford Road.

MR. KANE: Tell us what you want to do.

MRS. CICCONE: Two years ago we put a pool up, 2003, now we're requesting for a deck attached to the pool and to the house and the requirement is 50 feet from the property line to our house.

MR. KANE: Pool becomes part of your house.

MS. GANN: Mr. Chairman, I have to recuse myself.

MR. KANE: Why would that be?

MS. GANN: Because I know this lady standing right here.

MR. KANE: That's not a basis to recuse yourself. I know everybody in Town. As long as you don't have financial dealings with this particular person or it's your sister or she gave you money under the table, anything along those lines but just because you know her doesn't mean you have to, unless you feel you can't make an informed decision.

MS. GANN: No, I think I could. Thank you.

MR. KANE: Thanks for bringing it up though. What size pool do you have?

MRS. CICCONE: 15 x 30.

MR. KANE: How is the deck going to go?

MRS. CICCONE: I don't have anything in front of me.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the deck?

MRS. CICCONE: No.

MR. KANE: Create any water hazards or runoff with the building of the deck?

MRS. CICCONE: No.

MR. KANE: Will it be similar in size and nature to other decks in your neighborhood?

MRS. CICCONE: Yes.

MR. KANE: Are you going to have a set of steps coming off of the deck down to the ground?

MRS. CICCONE: Yes.

MR. KANE: Self-closing, self-latching?

MRS. CICCONE: Yes.

MR. KANE: Access from your house to the deck going out to the pool, what do you have as far as a doorway, is that a self-closing door going that will be going out to the deck?

MRS. CICCONE: Entry door.

MR. KANE: Coming from your deck to the pool anywhere on a deck it has to be self-closing, self-latching. So if you let's say had a slider for your house, as long as that slider worked itself and closed itself then you could have that free access. If not, you may have to put a little gate to get to the deck. There has to be

something to stop a little guy from running from that kitchen, dining room or whatever out the door into the pool while mom and dad aren't around. You may want to take a look at what your design is going to be coming out of the house towards the pool, since like mine I have a 10 x 16, then you walk four steps down there's a big deck to the pool from the top deck down to the bottom there's a self-closing, self-latching gate then also from the ground it's got to be self-closing, self-latching. Okay?

MRS. CICCONE: Yes.

MR. KANE: Even if you're approved for the variance here, you still have to meet all of the specifications. That's probably going to be the one you're going to have to think about the most.

MR. REIS: Is your access to the deck is that through an existing rear door?

MRS. CICCONE: Yes.

MR. KANE: So this door here is going to lead out to the deck?

MRS. CICCONE: Yes.

MR. KANE: So this deck right here unless you put a little like safety gate fence to stop it this door here is going to have to be self-closing, self-latching, just so you know that's what people don't think about. Pools I know. Just built this year?

MRS. CICCONE: The pool, 2003.

MR. KANE: Any other questions?

MR. REIS: Accept a motion?

January 10, 2005

17

MR. KANE: Yes.

MR. REIS: I recommend that we pass Anthony Ciccone to a public hearing for his requested 26 foot rear yard setback for proposed attached pool at 43 Oxford Road.

MS. GANN: I second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

ANTHONY CICCONE

**AFFIDAVIT OF
SERVICE
BY MAIL**

#05-03

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 12TH day of JANUARY , 2005, I compared the 34 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

14th day of February, 2005

J. J. Gallagher
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

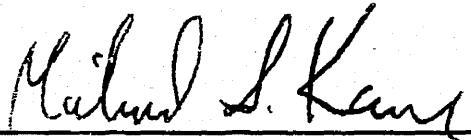
Appeal No. 05-03

Request of ANTHONY CICCONE

for a VARIANCE of the Zoning Local Law to Permit:

Request for 26 ft. Rear Yard Setback for proposed attached pool deck at 33 Oxford Road in an R-4 Zone (6-6-4.2)

PUBLIC HEARING will take place on FEBRUARY 14, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", is written over a horizontal line.

Michael Kane, Chairman

**PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-03
Request of: ANTHONY CICCONE
for a VARIANCE of the Zoning Local Law to Permit
Request for 26 ft. Rear Yard Setback for proposed
attached pool deck at 33 Oxford Road in an R-4 Zone
(6-6-4.2)

PUBLIC HEARING will take place on FEBRUARY
14, 2005 at the New Windsor Town Hall, 555 Union Avenue,
New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

Ad Number: 1727307 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODDRIL Date: 01/27/2005 Assigned Sales: PUBLICHEARINGNOTICEZONINGBOARDOFAPPEAL AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: TMI Paper: IM Class: 999X

Schedule: Start Date - 01/31/2005 End Date - 01/31/2005

Sort: PUBLIC HEARING NOTICEZONING BOARD OF APP

PRODUCTION:

Text Size: 2 x 22.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Turnsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 40.34 Payment Method: B1 Amount Paid: 0 Amount Owed: 40.34

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

TMI Forbid: 0 Mult. Contact: 0

6-5-3.11
James & Diannette Hicks
14 Oxford Road
New Windsor, NY 12553

6-5-5
Susan Rizzo
10 Oxford Road
New Windsor, NY 12553

6-5-8
Anna Frances Turner
1 Oxford Road
New Windsor, NY 12553

6-5-11
Stephanie & Vito Cracchiolo, Jr.
7 Oxford Road
New Windsor, NY 12553

6-5-14
Thomas & Lori Gambill
13 Oxford Road
New Windsor, NY 12553

6-5-19
Allen & Joanne Hoag
23 Knox Drive
New Windsor, NY 12553

6-5-22
Michael Prisco
29 Knox Drive
New Windsor, NY 12553

6-5-46.3
M & S Bakery, Inc.
1762 48th Street
Brooklyn, NY 11204

6-6-3
Angela Gilbert
29 Oxford Road
New Windsor, NY 12553

6-6-6
Nancy & Frank DiSalvo, III
37 Oxford Road
New Windsor, NY 12553

6-5-3.12
Eileen Marsh
20 Oxford Road
New Windsor, NY 12553

6-5-6
Paul & Thomas Loehr
24 Oxford Road
New Windsor, NY 12553

6-5-9
Alfred & Barbara Ann Certo
3 Oxford Road
New Windsor, NY 12553

6-5-12
Marie Radulski
c/o Marie Napoleon
9 Oxford Road
New Windsor, NY 12553

6-5-15
Jeffrey Orts
Judy Serviss-Orts
15 Oxford Road
New Windsor, NY 12553

6-5-20
William Missionellie, Jr.
25 Knox Drive
New Windsor, NY 12553

6-5-23
James & Mary Irving
31 Knox Drive
New Windsor, NY 12553

6-5-49
Rose Raszcewski
540 Union Avenue
New Windsor, NY 12553

6-6-4.1
Mark & Marie Berkery
31 Oxford Road
New Windsor, NY 12553

6-6-7
Dalila Christoforidis
6 Oxford Road
New Windsor, NY 12553

6-5-4
John & Barbara Wurster
12 Oxford Road
New Windsor, NY 12553

6-5-7
Timothy & Rosalie Margaret Peters
8 Oxford Road
New Windsor, NY 12553

6-5-10
Jeffery & Rose Kroboth
5 Oxford Road
New Windsor, NY 12553

6-5-13
Edward & Patricia Salinski
11 Oxford Road
New Windsor, NY 12553

6-5-18
Clifford & Marianne Paige
21 Knox Drive
New Windsor, NY 12553

6-5-21
Edward & Georgeanne Vornlocher
27 Knox Drive
New Windsor, NY 12553

6-5-34
Diane Makiell
Douglas Brown, Jr.
29 Clarkview Road
New Windsor, NY 12553

6-6-1 & 6-6-2
Gerard & Ervene Dullea
27 Oxford Road
New Windsor, NY 12553

6-6-5
Richard & Winifred Heidmann
35 Oxford Road
New Windsor, NY 12553

6-6-8
John & Maureen Schjorring
4 Oxford Road
New Windsor, NY 12553

6-6-9

Lionel & Jo Marie Williams
2 Oxford Road
New Windsor, NY 12553

7-4-1

Richard & Patrice Lark
532 Union Avenue
New Windsor, NY 12553

7-4-2

Ernest & Lillian Young
524 Union Avenue
New Windsor, NY 12553

7-4-3

Matthew & Anne Zaloga
522 Union Avenue
New Windsor, NY 12553

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that despondent is the

Legal Sales Representative

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Legal Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

2/24/05

Signature of Representative:

Patricia Foddrill

Sworn in before me this

24

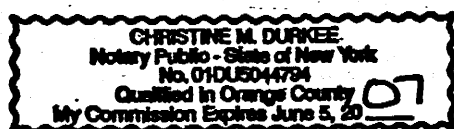
Day of

Feb

2005

Christine M. Durkee

Notary Public, Orange County



05-03



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

January 27, 2005

Anthony Ciccone
33 Oxford Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-03

Dear Mr & Mrs. Ciccone:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

33 Oxford Road
New Windsor, NY

is scheduled for the FEBRUARY 14, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: January 2005

PROJECT: Anthony Ciccone

ZBA # 05-03

P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) RS S) G VOTE: A 5 N 0

GANN A
LOCEY A
RIVERA A
MCDONALD A
REIS A
KANE A

CARRIED: Y ☒ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

No Trees
No Water problems
Similar in size
Need self-closing entries to deck & pool areas

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 01-03-05

FOR: **ESCROW 05-03**

FROM:

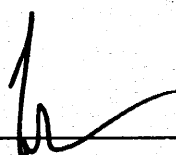
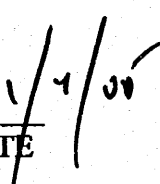
Anthony Ciccone
33 Oxford Road
New Windsor, NY 12553

CHECK NUMBER: **154**

TELEPHONE: **562-0530**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME  DATE 

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#11-2005

01/04/2005

Ciccione, Anthonyf. *#05-03*

Received \$ 50.00 for Zoning Board Fees, on 01/04/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

ZONING BOARD OF APPEALS

January 3, 2005

**Anthony Ciccone
33 Oxford Road
New Windsor, NY 12553**

SUBJECT: REQUEST FOR VARIANCE #05-03

Dear Mr. Ciccone:

This letter is to inform you that you have been placed on the January 10, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

**33 Oxford Road
New Windsor, NY**

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

**Myra Mason, Secretary
Zoning Board of Appeals**

MLM:mlm



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

Deborah Gibson
SIGNATURE

11/29/04
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

11/15/04

Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Anthony Ciccone
(Name)
33 Oxford Rd.
(Address)
Phone Number: (845) 562-0530
Fax Number: ()

II. Applicant:

Anthony Ciccone
(Name)
33 Oxford Rd.
(Address)
Phone Number: (845) 541-5124
Fax Number: ()

III. Forwarding Address, if any, for return of escrow:

Anthony Ciccone
(Name)
33 Oxford Rd.
(Address)
Phone Number: (845) 562-0530
Fax Number: ()

IV. Contractor/Engineer/Architect/Surveyor/:

John Ginda
(Name)
1236 Union Ave.
(Address)
Phone Number: (845) 564-9399
Fax Number: ()

V. Property Information:

Zone: R-4 Property Address in Question: 33 Oxford Rd
Lot Size: Tax Map Number: Section 6 Block 6 Lot 4.2
a. What other zones lie within 500 feet?
b. Is pending sale or lease subject to ZBA approval of this Application?
c. When was property purchased by present owner?
d. Has property been subdivided previously? No If so, When:
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector?
f. Is there any outside storage at the property now or is any proposed? Yes

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	50'	24'	26'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☒

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The request for variance will be a
desirable change. Surrounding neighbors have attached
decks to their house. I am requesting for an attached
deck from my house to the pool. This would enhance
the aesthetic of our neighborhood.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

19 day of November 20 04.

Signature and Stamp of Notary

Owner's Signature (Notarized)

Anthony F. Ciccone

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

Lori McCabe
Notary Public State of New York
01MC6092393
Qualified in the County of Orange
Commission Expires May 19th 2007

COMPLETE THIS PAGE ☐